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PATENT
ATTORNEY DOCKET NO. 040894-7177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Inventors: Kenichi NAKAYAMA *et al.*)
)
Application No.: 10/523,363) Group Art Unit: 1632
)
Filed: August 31, 2005) Examiner: Hama, J.
)
For: SUGAR CHAIN SYNTHESASE GENE)

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Second Restriction Requirement dated January 26, 2007 in connection with the above application.
2. Additional Documents:
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Extension of time fee due with this request: \$_____.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus	20	0	x \$50 each=	+ \$0
Independent Claims (37 C.F.R. §1.16(b))		minus	3	0	x \$200 each=	+ \$0
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0
SUB-TOTAL =						\$0
Reduction by 2 for filing by a small entity						- \$0
TOTAL FEE =						\$0

5. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Payment

- [] The Commissioner is hereby authorized to charge \$_____ to Deposit Account 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 26, 2007

By: _____

Mark J. Sullivan
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CUSTOMER NO. 09629
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202-739-3000



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ATTORNEY DOCKET NO.: 040894-7177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Kenichi NAKAYAMA *et al.*

Application No.: 10/523,363

Filed: **August 31, 2005**

FOR: **SUGAR CHAIN SYNTHASE GENE**

)
) Confirmation No.: **1869**
)
)
) Group Art Unit: **1632**
)
) Examiner: **Joanne Hama**
)
)
)

United States Patent and Trademark Office
Customer Service Window, **Mail Stop Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Date: February 26, 2007

RESPONSE TO SECOND RESTRICTION REQUIREMENT

In response to the Office Action dated January 26, 2007, in which the above-identified application was examined for restriction purpose only, Applicants submit the following provisional election for entry into record of the application.

A Listing of Currently Pending Claims begins on page **2** of this Response.

Remarks begin on page **4** of this Response.